

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

| | | |
|-------------------------------|---|-------------------|
| Alabama Gas Corporation, |) | |
| Plaintiff, |) | |
| v. |) | CIVIL ACTION NO.: |
| |) | 2:10-cv-1840-IPJ |
| Travelers Casualty and Surety |) | |
| Company, <i>et al.</i> , |) | |
| Defendants. |) | |
| _____ |) | |

**ALAGASCO’S MOTION TO LIMIT THE EXPERT
TESTIMONY OF KATHLEEN J. ROBISON**

Plaintiff Alabama Gas Corporation (“Alagasco”) hereby requests that the Court limit the proposed testimony of Travelers’ second bad faith expert, Kathleen J. Robison, because her testimony at deposition demonstrates that she lacks a sufficient basis to opine on whether or not it is “debatable” if the Alabama Supreme Court would consider a PRP Letter to be a “suit” triggering Travelers’ duty to defend. Additionally, Ms. Robison’s deposition testimony made clear that she lacks a sufficient basis to opine that Travelers acted reasonably when it said it could not determine its potential coverage obligations to Alagasco upon receipt of the EPA’s Request for Information under section 104(e) of the Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. § 9604(e), as amended. Therefore, Alagasco respectfully requests that Ms. Robison’s testimony be limited to the other issues reflected in her expert report regarding the timeliness

and reasonableness of Travelers' claims handling activities and the degree to which those activities adhered to the company's procedures.

This 9th day of November, 2011.

/s/ REBECCA W. PRITCHETT

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CERTIFICATE OF SERVICE

I hereby certify that I electronically filed *ALAGASCO'S MOTION TO LIMIT THE EXPERT TESTIMONY OF KATHLEEN J. ROBISON* with the Clerk of Court using the CM/ECF system which will automatically send email notification of such filing to the following attorneys of record:

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Done this 9th day of November, 2011.

/s/ REBECCA W. PRITCHETT

REBECCA W. PRITCHETT

Attorney for Plaintiff

Alabama Gas Corporation